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September 25, 2023

Via ECF

Honorable Katharine H. Parker
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.,
New York, NY 10007

Re: Johnson v. Esports Entertainment Group – 1:22-cv-10861
Order at ECF 89 on proposed amended pleading.

Dear Judge Parker:

At ECF 76, Plaintiff filed a letter requesting leave to amend his complaint. At ECF 81, Defendant filed a letter opposing the proposed amendment. At ECF 89, the Court formally closed the letter-request and directed the parties to submit briefs if Plaintiff still sought to amend his complaint. I am writing to inform the Court that Plaintiff chooses not to further amend his complaint in this litigation. Accordingly, no formal motion will be filed. Without the motion to amend, the only substantive issues before the Court are pre-motion letters concerning Plaintiff's summary judgment motion and Defendant's cross-motion. The various pre-motion letters and response letters are as follows:

ECF 61 – Plaintiff's pre-motion letter for a summary judgment motion, 8-9-23.

ECF 63 (under seal) – Unredacted version of ECF 61.

ECF 64 – Defendant's letter opposing Plaintiff's proposed motion, 8-9-23.

ECF 67 – Defendant's letter proposing a cross-motion for summary judgment, 8-14-23.

ECF 74 – Plaintiff's letter opposing the cross-motion, 8-17-23.

Honorable Katharine H. Parker
September 25, 2023
Page Two

ECF 83 – Plaintiff’s letter consolidating a motion to dismiss counterclaims (ECF 35) with the summary judgment motion (ECF 61), 8-29-23.

ECF 86 – Defendant’s letter responding to the consolidation letter, 9-1-23.

ECF 92 – Copy of ECF 61, but refiled with an exhibit unsealed.

ECF 35 – Plaintiff’s letter originally proposing a 12(b) motion to dismiss counterclaims, 6-13-23.

ECF 37 – Defendant’s letter opposing the motion to dismiss counterclaims, 6-16-23.

Respectfully submitted,

/s/ Alan L. Frank
Alan L. Frank, Esq.